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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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05/10/2002

Joseph Ward

5783

20350

7590

03/13/2006

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EXAMINER

SHEIKH, ASFAND M

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/980,552	<b>Applicant(s)</b> WARD ET AL.	
	<b>Examiner</b> Asfand M. Sheikh	<b>Art Unit</b> 3627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

Claims 1-29 are presented for examination. The Examiner withdraws the 35 USC § 101 rejection from claims 1-29. The Examiner will maintain same grounds of rejection 35 USC § 102(e) for claims 28-29 and 35 USC § 103 for claims 1-27 using the same references that were used in the previous office action.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 28 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Erickson U.S. Pat. 6,014,644.

**As per claim 28**, Erickson discloses a) a master list of items, each item representing a product or service stored in a

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database storage means col. 3 lines 12-15 and col. 7 lines 11-14), b) user identity means for storing on the database storage means user identity information received via the network relating to each of said users, at least part of which uniquely identifies each user from the other users (col. 8, lines 1-4 and col. 9, lines 29-37), c) primary data supply means for supplying one or more users with primary data (col. 11, lines 9-16 and col. 11, lines 57-61), d) secondary data selection criteria generating means for generating secondary data selection criteria for at least one user (col. 13, 60-67 and col. 14, lines 1-12), e) secondary data supply means for receiving said secondary data selection criteria and for supplying one or more of the users with secondary data concurrently or sequentially with the primary data (col. 11, lines 9-16 and col. 11, lines 57-61), f) recording means for recording data relating to the actions of at least one of the users supplied with said secondary data in the on-line system and for recording data relating to what secondary data was supplied to the user or each of said respective users (col. 14, lines 13-19), and wherein said secondary data selection criteria includes information relating to the user identity information (col. 14, lines 19-25).

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**As per claim 29,** Erickson discloses a) providing a master list of items each item representing a product or service stored on a database storage means (col. 3 lines 12-15 and col. 7 lines 11-14)), b) uniquely identifying users of the system with a unique identifier (col. 8, lines 1-4 and col. 9, lines 29-37), c) obtaining additional information relating to at least some of the users (col. 8, lines 1-4 and col. 9, lines 29-37), d) selecting and providing secondary data to users of the system concurrently or sequentially with the primary data (col. 13, 60-67 and col. 14, lines 1-12), e) recording information relating to actions of the users supplied with secondary data and information relating to what second data was supplied to each respective user (col. 14, 13-19), and wherein the secondary data supplied to each user is selected at least in part using the unique identifier and/or at least part of said additional information (col. 14, lines 19-25).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erickson U.S. Pat. 6,014,644 in view of Giovannoli U.S. Pat. 5,758,328.

As per claim 1 and 14, Erickson discloses database storage means for storing (col. 6, lines 42-45) (i) a master list of items, each item representing a product or service (col. 3 lines 12-15 and col. 7 lines 11-14), (ii) supplier details received via the network (col. 3, lines 15-17 and col. 7, lines 8-11), (iii) item sales terms for at least one of the items for at least one of the supplies (col. 7, lines 11-14; Examiner interprets "information" to include item sales terms), (iv) purchaser details (col. 8, lines 1-4), and (v) purchaser terms for at least one of the purchasers for at least one of the suppliers (col. 8, lines 4-11), receiving means for receiving via the network a purchaser identifier uniquely corresponding to one of the purchasers stored on the database storage means (col. 9, lines 29-37), item selection criteria generating means for generating item selection criteria (col. 8, lines 28-32),

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extraction means for extracting an item sublist from the master list based on the generated item selection criteria (col. 8, lines 31-32; Examiner interprets "assemble list" to include extracting an item sublist from the master list), display means for displaying said item sublist to purchaser (col. 8, lines 32-34), and input means for selecting one or more desired items on the item sublist and for specifying desired quantities of said selected items (col. 13, lines 66-67 and col. 14, lines 1-15).

Erickson does not explicitly disclose supplier selection criteria generating means for generating supplier selection criteria, supplier selection means for receiving said desired item information and respective desired quantity information and said supplier selection criteria for selecting at least one supplier for each of the desired items, based on supplier selection criteria, said desired item information and respective desired quantity information, and supplier selection criteria includes at least one of the following: (i) purchaser supplied criteria (ii) criteria obtained from the stored item sales terms.

However, Giovannoli discloses supplier selection criteria generating means for generating supplier selection criteria (col. 5, lines 12-15), supplier selection means for receiving said desired item information and respective desired quantity

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information and said supplier selection criteria for selecting at least one supplier for each of the desired items, based on supplier selection criteria, said desired item information and respective desired quantity information (col. 5, lines 12-18), and supplier selection criteria includes at least one of the following: (i) purchaser supplied criteria (ii) criteria obtained from the stored item sales terms (col. 5, lines 12-15).

It would be obvious to one skilled in the art at the time the invention was made to modify Erickson's method to include supplier selection criteria generating means for generating supplier selection criteria, supplier selection means for receiving said desired item information and respective desired quantity information and said supplier selection criteria for selecting at least one supplier for each of the desired items, based on supplier selection criteria, said desired item information and respective desired quantity information, and supplier selection criteria includes at least one of the following: (i) purchaser supplied criteria (ii) criteria obtained from the stored item sales terms as taught by Giovannoli. The motivation to combine would allow for processing requests for goods and services through a computer based communication network based on filter conditions thereby



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providing a larger market of suppliers and purchasers (col. 2, lines 62-65).

**As per claim 2 and 15**, Erickson discloses the item sale terms include and, or all of: whether a particular supplier supplies the respective item, price levels, stock levels, freight chargers, geographic limitations on supply (col. 9, lines 50-53).

**As per claim 3 and 16**, Erickson discloses the item selection criteria return all available items, whether in stock or not (col. 9, lines 58-60; Examiner interprets "all products" to include all inventory whether in stock or not provided by a supplier).

**As per claim 4 and 17**, Erickson discloses the item selection criteria includes the purchaser details or purchaser terms for at least some of the stored vendors (col. 7, lines 50-56, col. 8, lines 4-11, and col. 8, lines 28-30).

**As per claim 5 and 18**, Erickson does not explicitly disclose the supplier selection criteria includes purchase details or purchase terms or both. However, Giovannoli

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discloses the supplier selection criteria includes purchase details or purchase terms or both (col. 5, lines 15-18).

It would be obvious to one skilled in the art at the time the invention was made to modify Erickson's method to include the supplier selection criteria includes purchase details or purchase terms or both as taught by Giovannoli. The motivation to combine is the same as claim 1 above.

As per claim 6 and 19, Erickson discloses the purchaser terms for each supplier/purchaser combination includes any or all of: whether the supplier will supply the purchaser, minimum orders, freight charges, sales terms, price bands (col. 13, lines 66-67 and col. 14, lines 1-6).

As per claim 7 and 20, Erickson discloses the item selection criteria further include restrictions retrieved from the purchaser's purchase terms so as to restrict the items on the available item sublist to those items available from suppliers who have indicated that they will supply the particular purchaser (col. 3, lines 46-51).

**As per claim 8 and 21**, Erickson does not explicitly disclose the supplier selection criteria include restrictions retrieved from the purchaser terms.

However, Giovannoli discloses the supplier selection criteria include restrictions retrieved from the purchaser terms (col. 5, lines 15-18).

It would be obvious to one skilled in the art at the time the invention was made to modify Erickson's method to include the supplier selection criteria include restrictions retrieved from the purchaser terms as taught by Giovannoli. The motivation to combine is the same as claim 1 above.

**As per claim 9 and 22**, Erickson does not explicitly disclose the supplier selection criteria result in the selected supplier for a desired item being the supplier with the lowest price per unit of the item.

However, Giovannoli discloses the supplier selection criteria result in the selected supplier for a desired item being the supplier with the lowest price per unit of the item (col. 5, lines 15-18).

It would be obvious to one skilled in the art at the time the invention was made to modify Erickson's method to include the supplier selection criteria result in the selected supplier for

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a desired item being the supplier with the lowest price per unit of the item as taught by Giovannoli. The motivation to combine is the same as claim 1 above.

**As per claim 10 and 23**, Erickson does not explicitly disclose the lowest price is the base price or it may be an effective price after allowing for any of the following: freight, available discounts, bonuses.

However, Giovannoli discloses the lowest price is the base price or it may be an effective price after allowing for any of the following: freight, available discounts, bonuses (col. 6, lines 47-57; Examiner interprets "on sale" to be an available discount representing the lowest price on an item).

It would be obvious to one skilled in the art at the time the invention was made to modify Erickson's method to include the lowest price is the base price or it may be an effective price after allowing for any of the following: freight, available discounts, bonuses as taught by Giovannoli. The motivation to combine is the same as claim 1 above.

**As per claim 11 and 24**, Erickson does not explicitly to disclose the supplier selection criteria includes purchasers supplied criteria and said purchaser supplied criteria includes

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any or all of the following: a selected supplier, two or more suppliers, suppliers from a specified geographic location or locations, and delivery times.

However, Giovannoli discloses the supplier selection criteria includes purchasers supplied criteria and said purchaser supplied criteria includes any or all of the following: a selected supplier, two or more suppliers, suppliers from a specified geographic location or locations, and delivery times (col. 7, lines 3-15).

It would be obvious to one skilled in the art at the time the invention was made to modify Erickson's method to include the supplier selection criteria includes purchasers supplied criteria and said purchaser supplied criteria includes any or all of the following: a selected supplier, two or more suppliers, suppliers from a specified geographic location or locations, and delivery times as taught by Giovannoli. The motivation is the same as claim 1 above.

**As per claim 12 and 25,** Erickson does not explicitly disclose the purchaser supplied criteria includes criteria to obtain quotations from two or more suppliers for all items on the desired item list supplied by the respective supplier.

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However, Giovannoli discloses the purchasers supplied criteria included criteria to obtain quotations from two or more suppliers for all items on the desired item list supplied by the respective supplier (col. 7, lines 48-50).

It would be obvious to one skilled in the art at the time the invention was made to modify Erickson's method to include the supplier selection criteria includes purchasers supplied criteria and said purchaser supplied criteria includes any or all of the following: a selected supplier, two or more suppliers, suppliers from a specified geographic location or locations, and delivery times as taught by Giovannoli. The motivation is the same as claim 1 above.

**As per claim 13 and 26-27,** Erickson does not explicitly to disclose the means to transmit orders to a selected supplier or suppliers for provision of ordering items.

However, Giovannoli discloses the means to transmit orders to a selected supplier or suppliers for provision of ordering items (col. 6, lines 2-6).

It would be obvious to one skilled in the art at the time the invention was made to modify Erickson's method to include the means to transmit orders to a selected supplier or suppliers

for provision of ordering items as taught by Giovannoli. The motivation to combine is the same as claim 1 above.

***Response to Arguments***

Applicant's arguments filed 05-JANURARY-2006 have been fully considered but they are not persuasive.

With respect to claim 1, applicant's representative argues that "Erickson's method does not appear to match buyers and sellers and does not appear to have any mechanism for determining the best available price." The Examiner notes that there is no language in the claim that states or suggests the steps of "matching buyers and sellers" or the limitation of "mechanism for determining the best available price." The applicant's representative is arguing features that are not found in the claim. Thus the argument is moot.

The applicant's representative argues that Erickson does not disclose, "storage of a mater list of items, each of the items representing a product or service." The Examiner disagrees. Erickson discloses a master list of items, each of the items representing a product or service (col. 7, lines 11-

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17). The Examiner notes that Erickson may not use the exact phrase "master list" however this "central database" contains product or services offered by a particular supplier which can be viewed by a purchaser thus a this is a listing of items provided by a purchaser. The Examiner did provide a prima facie case of obviousness: motivation was cited, there is reasonable expectation of success, and the references teach or suggest all of the limitations of the claim. Thus the argument is not persuasive.

The applicant's representative argues that Erickson does not disclose, "extracting an available item sublist from the master list, based on item selection criteria." The Examiner disagrees. Erickson discloses extracting an available item sublist from the master list, based on item selection criteria (col. 7, lines 11-17). The Examiner notes that Erickson utilizes "key words, classifications or any other manner that allows easy access... to the information." The Examiner notes that this is indeed a computerized method for extracting a sublist, from a master list based on item selection criteria. The Examiner did provide a prima facie case of obviousness: motivation was cited, there is reasonable expectation of success, and the references teach or suggest all of the



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limitations of the claim. Thus the argument is not persuasive.

The applicant's representative argues Erickson does not disclose, "means to select suppliers, based on criteria." The Examiner did not rely on Erickson. The Examiner utilized the combination of Erickson in view Giovannoli for, "means to select suppliers, based on criteria." Thus the argument is moot.

The applicant's representative argues that Erickson does not disclose, "storage means for storing item sales terms for at least one of the items for at least one of the suppliers." The Examiner disagrees. Erickson discloses storage means for storing item sales terms for at least one of the items for at least one of the suppliers (col. 9, lines 50-58). The Examiner notes that "price" is a form of "item sales term" as disclosed on page 4 of the applicant's specification (e.g. price level). The Examiner did provide a prima facie case of obviousness: motivation was cited, there is reasonable expectation of success, and the references teach or suggest all of the limitations of the claim. Thus the argument is not persuasive.

The applicant's representative argues that Erickson does not disclose, "purchaser terms for at least one of the

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purchasers for at least one of the suppliers." The Examiner disagrees. Erickson discloses purchaser terms for at least one of the purchasers for at least one of the suppliers (col. 8, lines 1-27 and col. 9, lines 28-48). The Examiner notes that as disclosed on page 4, of the applicant's specification, "purchaser terms... may include whether a supplier will supply the purchaser, minimum orders, freight chargers, sales terms, price brands, etc," the Examiner would like to note that "submission of goods or services that are routinely purchased" would allow a supplier to determine whether they could supply the purchaser. The Examiner did provide a prima facie case of obviousness: motivation was cited, there is reasonable expectation of success, and the references teach or suggest all of the limitations of the claim. Thus the argument is not persuasive.

The applicant's representative argues that Erickson does not disclose "item selection criteria generating means for generating item selection criteria." The Examiner disagrees. Erickson discloses item selection criteria generating means for generating item selection criteria (col. 7, lines 11-17). The Examiner notes that Erickson utilizes "key words, classifications or any other manner that allows easy access... to the information." The Examiner notes items are indeed selected

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based on criteria. The applicant's representative further argues that Erickson does not disclose "inputting criteria to select items." The Examiner disagrees. Erickson discloses inputting criteria to select items. (col. 7, lines 11-17). The Examiner notes that Erickson utilizes "key words, classifications or any other manner that allows easy access... to the information." The Examiner notes these are item selection criteria. The Examiner did provide a prima facie case of obviousness: motivation was cited, there is reasonable expectation of success, and the references teach or suggest all of the limitations of the claim. Thus the argument is not persuasive.

The applicant's representative argues that Erickson does not disclose, "automatically selects..." The Examiner notes that there is no language in the claim that states or suggests the steps are performed automatically. The applicant's representative is arguing features that are not found in the claim. Further the Examiner notes that Erickson does disclose input means for selecting one or more desired items on the item sublist and specifying desired queries of said selected items (col. 13, lines 66-67; and col. 14, lines 1-15). The Examiner notes that buyers bid would contain the sub-list of items

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selected from the master list which would contain the quantity desired, which would be sent in the form of a bid. Thus the argument is moot.

The applicant's representative argues that combination of Erickson with Giovannoli does not disclose "supplier selection criteria and supplier selection criteria generating means." The Examiner disagrees. Giovannoli discloses supplier selection criteria and supplier selection criteria generating means (col. 7, lines 3-30). The Examiner notes supplier selection criteria includes "geographic location" as disclosed on page 4 of the applicant's specification. The Examiner notes that there is a selecting and generating means for a supplier based on geographic location. The Examiner did provide a prima facie case of obviousness: motivation was cited, there is reasonable expectation of success, and the references teach or suggest all of the limitations of the claim. Thus the argument is not persuasive.

**With respect to claim 2,** applicant's representative argues that Erickson does not disclose "storing of items sales terms, such as stock levels, freight charges, geographic limitation on supply". The Examiner disagrees. The Examiner notes that claim

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2, recites, "item sale terms include any, or all of "whether a particular supplier supplies the respective item, price levels, stock levels freight charges, geographic limitation on supply." Erickson does indeed disclose the limitation (col. 9, lines 50-57). The Examiner notes "price" is a price level. The Examiner did provide a prima facie case of obviousness: motivation was cited, there is reasonable expectation of success, and the references teach or suggest all of the limitations of the claim. Thus the argument is not persuasive.

**With respect to claims 3-27,** the arguments are moot for similar reasons as set forth for claim 1, above.

**With respect to claims 28-29,** the arguments are non persuasive for similar reasons as set forth for claim 1, above.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS

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of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571) 272-1466. The examiner can normally be reached on M-F 8a-4:30p.

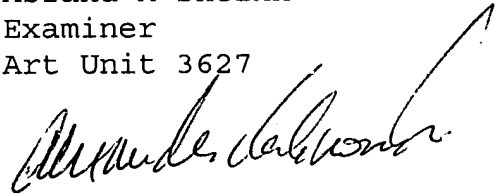
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

ams

Asfand M Sheikh  
Examiner  
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A handwritten signature in black ink, appearing to read 'Alexander K. Inowski', written over the printed name and title.

**ALEXANDER K. INOWSKI**  
**SUPERVISORY PATENT EXAMINER**